



#4/Reconsideration
T.M.C. B. C. H. - Brown
10/10/02

Docket No.: F9600.0022/P022
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mitsuaki Hirono, et al.

Confirmation No. 3986

Application No.: 09/195,125

Group Art Unit: 2151

Filed: November 18, 1998

Examiner: L. Zhen

For: PROGRAM CONTROL APPARATUS AND
METHOD AND APPARATUS FOR
MEMORY ALLOCATION ENSURING
EXECUTION OF A PROCESS
EXCLUSIVELY AND ENSURING REAL
TIME OPERATION, WITHOUT
LOCKING COMPUTER SYSTEM

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Technology Center 2100

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed July 16, 2002 (Paper No. 2), Applicant hereby provisionally elects claims Group I, claims 1-7, 24, 25, 32, 33 for continued examination, with traverse.

The Examiner has required restriction between:

Group I, claims 1-7, 24, 25, 32, 33, drawn to event notification;

Group II, claims 8-11, 26, and 34, drawn to thread scheduling;

Group III, claims 12, 13, 19-21, 27, 28, 30, 31, 35, 36, 40 and 41, drawn to garbage collection; and

Group IV, claims 14-18, 22, 23, 29, 37-39 and 42, drawn to memory allocation.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). M.P.E.P. § 803, however, directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed by the examiner in this case. In this case, the claims of Group I and Group II are each searchable in related subclasses of class 709. Additionally, the claims of Groups III and Group IV are searchable in related classes 707 and 709. It is respectfully submitted that a search of the classes and subclasses identified in the Restriction Requirement would not pose any serious burden. Nor would the total number of pending claims pose a serious burden. The Examiner is respectfully urged to withdraw the outstanding restriction requirement and examine each of the pending claims.

Dated: October 8, 2002

Respectfully submitted,

By 

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

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Application Number	09/195,125		
	Filing Date	November 18, 1998	
	First Named Inventor	Mitsuaki Hirono	
	Group Art Unit	2151	
	Examiner Name	L. Zhen	
Total Number of Pages in This Submission		Attorney Docket Number	F9600.0022/P022

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Restriction Requirement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP Thomas J. D'Amico
Signature	
Date	October 8, 2002